

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLAY WHITEHEAD,  
Plaintiff,

v.

PRESENCELEARNING, INC., et al.,  
Defendants.

Case No. 23-cv-02247-YGR (TSH)

**DISCOVERY ORDER**

Re: Dkt. No. 44

In ECF No. 52, the Court ordered Defendants to submit the attorney-client communications between Brian Rich and Latham & Watkins concerning Clay Whitehead's separation agreement (through the date the agreement was executed) for *in camera* review so the Court could determine if the crime-fraud exception to the attorney-client privilege applies to any of them. Defendants provided those emails on October 17, 2024. The Court has reviewed the 1,932 pages of emails that were submitted and concludes that the crime-fraud exception is not applicable. Accordingly, the Court **SUSTAINS** Defendants' claim of privilege over these emails and **DENIES** Plaintiff's motion to compel their production.

This order terminates ECF No. 44.

**IT IS SO ORDERED.**

Dated: October 21, 2024

  
THOMAS S. HIXSON  
United States Magistrate Judge